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APPLICATION NO.	F	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/781,433		02/17/2004	Kenji Kuwabara	44342.018001	3450
32361	7590	03/18/2005	EXAMINER		INER
		URIG, LLP	POWERS	POWERS, FIONA	
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NEW YORK	c, NY 1	0166	1626		
			DATE MAILED: 03/18/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be seniable under the perceiblem of 37 CFR 1.73(6d). In no event, however, may a reply be timely filed 1 the period for reply appetited above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days, will be considered timely. 1 this period for reply appetited above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days, and the supplication of the period for reply will be considered timely. 1 this period for reply appetited above is less than thirty (30) days, a reply within the statutory period will apply and will expense (50) MONTHS from the realing date of this communication, even if timely filed, may reduce the construction, even if timely filed, may reduce every sentence pleated term ediplatement. See 37 CFR 1.70(4b). Status 1 Responsive to communication(s) filled on 2a) This action is final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1.2 (s/are pending in the application. 4 (a) Of the above claim(s) 1.3 (s/are withdrawn from consideration. 5 (claim(s) 1.3 (s/are allowed. 6 (claim(s) 2.and 3 to 2 s/are rejected. 7 (claim(s) 2.and 3 to 2 s/are objected to by the Examiner. 10 The drawing(s) filed on 1.3 (s/are allowed. 10 (claim(s) 2.and 10 s/are objected to by the Examiner. 10 The drawing(s) filed on 1.3 (s/are: a) accepted or b) objected to by the Examiner. Application Papers 9 The specification is objected to by the Examiner. 10 Application Papers 9 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or.(f). a) All by Calming sheet(s) including the correction is required if the drawing(s) to objected to See 37 CFR 1.121(d). 11 Certified copies of the priority docume		Application No.	Applicant(s)					
Figna T. Powers Figna	,	10/781,433	KUWABARA ET AL.					
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Examinor for time may be available under the provision of 37 CPR 1.13(a). In or evert, however, may a reply be timely filed after SIX (b) MONTHS from the mailing date of this communication of 37 CPR 1.13(a). In or evert, however, may a reply be timely filed after SIX (b) MONTHS from the mailing date of this communication of the provision of the pro	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed. Eth period for reply se available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed. Eth period for reply sepecified above, the modification of 37 CFR 1.136(a). In no event, however, may a reply be timely filed. Eth period for reply sepecified above, the modification of 37 CFR 1.136(a). In no event, however, may a reply be timely filed. Eth period for reply sepecified adverse, the modification of the subject SNX (6) MONTHS from the mailing date of this communication. Failure to reply with the set or examined period for regly is specified above, the modification of the modification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-10 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application provided the provided of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) All objected to by the Examiner. Note the attached Office Action or form PTO-152. Pr								
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be variable under the provisions of 37 CPR 1.13(e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period correct presents of communication (3) (3) days, a reply within the adultory minimum of histly (30) days will be considered timely. If the period for reply switchin the realing date of this communication. Failure to reply within the set or extended period for reply will, by shalute, cause the application to become ABANDONED (33 U.S.C. § 133). Any reply received by the Office attribe the three maining date of this communication, even if timely filled, may reduce any searned patent term adjustment. See 37 CPR 1.704(b). Status 1) Responsive to communication(s) filled on	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
1) ☐ Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any							
2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1-10 (s/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1 and 3 to 9 (s/are rejected. 7) ☐ Claim(s) 2 and 10 (s/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No. 10/276.670. 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	Status							
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a) ⊠ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☒ Certified copies of the priority documents have been received in Application No. 10/276,670. 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☒ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Priority under 35 U.S.C. § 119							
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date.	1) X Notice of References Cited (PTO-892)							
Paper No(s)/Mail Date <u>4/29/04</u> , <u>8/5/04</u> . 6) Other:	2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P	ate					

Application/Control Number: 10/781,433
Art Unit: 1626

Receipt is acknowledged of the information disclosure statements filed April 29, 2004 and August 5, 2004, which have been entered in the file.

Claim 9 is objected to because of the following informalities: Claim 9 contains a spelling error "pahramaceutical" should be -pharmaceutical-. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 60-208,971, cited.

The reference discloses the claimed compounds of the formula (1) wherein Het is an oxazole which is unsubstituted or substituted by alkyl, R¹ is phenyl which is optionally substituted by halogen, D is methylene and E is a group of the formyula (4) wherein Y is sulfur, R³ is hydrogen or alkyl, R⁴ is hydrogen and Z is carboxy or carbamoyl. Note Examples 3, 7, 9, 11, 20 and 24.

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Claims 1 and 3 to 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Machin et al. (US 4774253), cited.

The reference discloses the claimed pharmaceutical compositions and compounds of the formula (1) wherein Het is an oxazole which is unsubstituted or substituted by alkyl, R¹ is phenyl which is optionally substituted by halogen, D is alkylene and E is a group of the formula (4) wherein Y is oxygen, R³ and R⁴ are alkyl and Z is carboxy, alkoxycarbonyl or carbamoyl. Note column 3, lines 20 to 50 and 53 to 66 and Examples 1-10, 22, 23, 25-33, A and B.

Claims 2 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The references made of record and not relied upon show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fiona T. Powers whose telephone number is 571-272-0702. The examiner can normally be reached on Monday - Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571-272-0699. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fiona T. Powers
Primary Examiner
Art Unit 1626

ftp March 14, 2005